

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

GLORIA LOZANO AND
ALEX GUTIERREZ,

PLAINTIFFS

V.

CIVIL ACTION NO.: 2:09-CV-47-P-S

JULIE BOSDET, JENNIFER PARRY,
A/K/A JENNY PARRY AND GLEN PARRY
AND ENTERPRISE RENT-A-CAR COMPANY
OF TENNESSEE AND ENTERPRISE RENT A CAR,

DEFENDANTS

ORDER

This matter is before the court following a status conference held on March 5, 2013 relating to the remand of this case from the Fifth Circuit (#35). In the Remand Order, the Fifth Circuit held that the 120 day requirement for service does not apply to individuals abroad, as the defendants are in this instance. However, the court noted that this does not result in an unlimited amount of time for parties to effect service. Ultimately, the court endorsed a “flexible due diligence standard” *Nylok Corp. v. Fastner World Inc.* 396 F.3d 805, 807 (7th Cir. 2005).

IT IS, THEREFORE, ORDERED, based on this standard, that plaintiffs’ counsel shall, within fourteen (14) days of the March 5, 2013 status conference, file a motion, for good cause shown, for additional time to serve the remaining defendants and provide the court with an explanation of what efforts have been taken to achieve service since remand.

SO ORDERED, this the 12th day of March 2013.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE